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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
NOLAN, DANIEL A

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/661,394	Applicant(s) KOMORI ET AL.
	Examiner Daniel A. Nolan	Art Unit 2654

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 August 2003* .

2a) ☑ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *13 September 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

        (Note also that this application has been included in Art Unit 2654, and that this

AU number should be used in all future correspondence.)

2.   Because the language of certain claims is written in the manner prescribed to

determine the equivalents of the element, as required by 35 U.S.C. 112, 6th paragraph,

including listing the means in the specification where indicated, the Examiner is

proceeding with the understanding that such claims are intended to be examined as

"means plus function" claims. See Ex parte Klumb, 159 USPQ 694 (Bd. App. 1967)

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11

August 2003 has been entered.

Response to Amendment

4.   The response filed 11 August 2003 was filed to the following effect that the

claims wee changed as indicated and examined on the merits.

Specification

5.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. See MPEP § 606.01.

6.   The summary of the invention is not a summary at all, but amounts to a mere

recitation of the claims that is contrary to the spirit and intent of CFR § 1.73 which reads

in part:

> *"Summary of the invention: A brief summary of the invention indicating its nature and substance,*
> *which may include a statement of the object of the invention, should precede the detailed*
> *description. Such summary should, when set forth, be commensurate with the invention as*
> *claimed and any object recited should be that of the invention as claimed."*

At 12 pages, the summary is not brief.

Furthermore, permitting this cosmetic makeover of the claims to be considered

part of the disclosure would amount to having the claims provide the only specification

for themselves. Such circular reasoning is not valid.

The Examiner had included the original patent from the Japan Patent Office with

the original objection to assist the Applicant in preparing a proper amendment without

adding new matter. Appropriate correction is required.

7.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required:

- The "data conversion condition" of claims 3, 10, 12, 13, 19, 20, 23, 24, is not

    supported by the specification and is so broad a term in the field as to include

    virtually any situation.

- The Examiner is proceeding with the understanding that the subject "condition" is a

    data element designated to indicate the environment determined by the terminal

    device logic.

Claim 4 as worded is subject to interpretation. The condition *for determining whether*

there has been a change in the information in communication indicates that the

information to be processed has been altered, which is not supported in the

specification. The application specifies that *no difference* between previously stored

and currently processing (line 17 page 24) teach that the stored information can be

used for the current operation.

The Examiner is proceeding with the understanding that the phrase should be read to

indicate that *the stored information is the as that received from the transmitting terminal.*

Response to Arguments

8.   Applicant's arguments filed 24 January 2003 have been revisited and found to be

not persuasive with regard to the characterization of the Summary of the Invention as

being "brief in relation to the remainder of the specification". The Summary of the

invention extends from page 2 to 14 of the 26-page specification, which is fully as long

as the specification. The assurance that "the claims are not the only description for the

subject matter contained therein" is seen to not be the case and introduces the matter of

a lack of antecedent basis when the claims are shown to provide their sole of support.

Claim Objections

9.   Claim 36 is objected to because the word "to" in the 1st line should be removed

as it makes the sentence incomplete. Appropriate correction is required.

Allowable Subject Matter

10.   The indicated allowability of claims 23-24, 28-29, 32-34 and 37-38 is withdrawn

in view of the newly discovered reference(s) to Bijl et al in view of McAllister et al.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

Bijl *et al*

11.   Claims 1-9, 14-15, 18, 21-22, 25-27, 30-31 and 34-36 are rejected under 35

U.S.C. 102(e) as being directly anticipated by Bijl *et al* (UK Patent GB 2 323 694 A).

12.   Regarding claim 1, Bijl *et al* (2-6 in figure 1) reads on the feature of *a speech*

input terminal in a speech communication system as follows:

-    Bijl *et al* reads on the feature of *a speech input terminal* (2 in figure 1) *for*

transmitting inputted speech data to a speech recognition apparatus (8 in figure 1)

-    Bijl *et al* (12-14th lines of 9) reads on the feature of being *through a network,*

-    Bijl *et al* (7th line page 9) reads on the feature of *a speech recognition apparatus*

executing speech recognition processing for the speech data transmitted from said

speech input terminal,

-    Bijl *et al* reads on the feature of *a speech input terminal comprising: speech input*

(6th line from end page 7) and *for creating information for speech recognition, the*

information being unique to said speech input or representing an operation state (5th

line from end page 7) *and* (6 in figure 1) *communication for transmitting the*

information to said speech recognition apparatus.

13.   Regarding claim 2, the claim is set forth with the same limits as claim 1. Bijl *et al*

(6th line from end page 7) reads on the feature that *the information is based on at least*

one of a characteristic of said speech input, a noise characteristic, and a speaker

characteristic.

14. Regarding claim 3 as understood by the Examiner, the claim is set forth with the same limits as claim 1. <u>Bijl</u> *et al* (6-9th lines of 8) reads on the feature *for converting the speech data on the basis of the conversion condition* (1st three lines of 9) *when a data conversion condition for communication based on the information is received from said speech recognition apparatus.*

15. Regarding claim 4 as understood by the Examiner, the claim is set forth with the same limits as claim 1. <u>Bijl</u> *et al* (6th line from end page 8) reads on the feature *for storing the information* and (2nd line page 9) reads on selecting the stored identifier that matches that of the incoming terminal, i.e., of *determining whether there has been a change in the information in communication; and for notifying said speech recognition apparatus of the corresponding information* (9th line page 9) *when there has been no change in the information.*

16. Regarding claim 5, the claim is set forth with the same limits as claim 1. <u>Bijl</u> *et al* (1st three lines of 9) reads on the feature *for creating a speech recognition model on the basis of the information, wherein said communication transmits the speech recognition model* (9th line from end page 9) *to said speech recognition apparatus.*

17.   Regarding claim 6, <u>Bijl</u> *et al* (2-6 in figure 1) reads on the feature of *a speech*

recognition apparatus in a speech communication system comprising a speech input

terminal (2 in figure 1) *for transmitting inputted speech data to said speech recognition*

apparatus (8 in figure 1) *through a network* (12-14th lines of 9) as follows:

-    <u>Bijl</u> *et al* (7th line page 9) reads on the feature of *a speech recognition for executing*

   speech recognition processing for the speech data transmitted from the a speech

   input terminal through the network; and

-    <u>Bijl</u> *et al* reads on the feature of *a speech input terminal comprising: speech input*

   (6th line from end page 7) and *for receiving information for speech recognition from*

   the speech input terminal, the information being unique to the speech input terminal

   or representing an operation state (5th line from end page 7) *and* (8 in figure 1)

   speech recognition executes speech recognition processing on the basis of the

   information (3rd paragraph page 8).

18.   Regarding claim 7, <u>Bijl</u> *et al* (2-6 in figure 1) reads on the feature of *a speech*

recognition apparatus in a speech communication system comprising a speech input

terminal (2 in figure 1) *for transmitting inputted speech data to said speech recognition*

apparatus (8 in figure 1) *through a network* (12-14th lines of 9), *and said speech*

recognition (7th line page 9) *for executing speech recognition processing for the speech*

data transmitted from said speech input terminal, said speech recognition apparatus

comprising for creating information for speech recognition on the basis of the

transmitted speech data, (2nd paragraph page 9) *the information being unique to the*

speech input terminal or representing an operation state (5th line from end page 7) *and*

for executing speech recognition processing on the basis of the information (3rd

paragraph page 8).

19.   Regarding claims 8 and 9; the claims are set forth with the same limits as claims

6 and 7, respectively. <u>Bijl</u> *et al* reads on the feature *for* (1st three lines of 9) *creating a*

speech recognition model on the basis of the information.

20.   Regarding claims 14, 15 and 18; the claims are set forth with the same limits as

claims 6, 7 and 8, respectively. <u>Bijl</u> *et al* (2 in figure 1) reads on the feature of *a plurality*

of speech input terminals and (6th line from end page 8) *for storing the information in*

correspondence with each of the speech input terminals.

21.   Regarding claim 21, <u>Bijl</u> *et al* (figure 1) reads on the features of *a speech*

communication system comprising a speech input terminal (2 in figure 1) *for transmitting*

inputted speech data to a speech recognition apparatus through a network (12-14th lines

of page 9), *and said speech recognition apparatus* (8 in figure 1) *executing speech*

recognition processing for the speech data transmitted from said speech input terminal;

   <u>Bijl</u> *et al* (5-6th lines from end page 7 and claim 44) reads on the feature that the

speech input terminal comprises speech input, (6th line from end page 7) reads on the

feature of *creating information for speech recognition, the information being unique to*

said speech input terminal (as indicated by the *identity* of that reference) or *representing*

an operation state, and communication for transmitting the information to said speech

recognition apparatus (as stipulated to be received in the last 2 lines of page 7 and the

last complete paragraph of page 8 that enables lines 11-12 page 9), *and wherein said*

speech recognition apparatus comprises for executing speech recognition processing

on the basis of the information (as described from the last line page 8 through the 1st

three lines of 9).

22.   Regarding claim 22, <u>Bijl *et al*</u> (2 in figure 1) reads on the features of *a speech*

communication system comprising a speech input terminal for transmitting inputted

speech data to a speech recognition apparatus (8 in figure 2) *through a network* (12-14th

lines of page 9), *and said a speech recognition apparatus executing speech recognition*

processing for the speech data transmitted from said speech input terminal, said speech

recognition apparatus comprising for creating information for speech recognition on the

basis of speech data from said speech input terminal (6th line from end page 7) *the*

information being unique to said speech input terminal (as *identity* in that reference) *or*

representing an operation state and for executing speech recognition processing on

the basis of the information (1st 3 lines page 9).

23.   Regarding claim 25, <u>Bijl *et al*</u> (figure 5) reads on the features of *a control method*

in a speech communication system comprising a speech input terminal (2 in figure 2)

transmitting inputted speech data to a speech recognition apparatus (8 in figure 2)

through a network (12-14th lines of page 9), *and said speech recognition apparatus*

executing speech recognition processing for the speech data transmitted from said speech input terminal (lines 11-12 page 9), *said method comprising the step of creating information for speech recognition in the speech input terminal* (6th line from end page 7) *the information being unique to the speech input terminal* (i.e., *identity* of reference) *or representing an operation state , and the step of transmitting the information from the speech input terminal to the speech recognition apparatus* (lines 11-12 page 9 as stipulated to be received in the last 2 lines of page 7 and the last complete paragraph of page 8).

24.   Regarding claim 26, <u>Bijl *et al*</u> (figure 5) reads on the features of *a control method in a speech communication system comprising a speech input terminal* (2 in figure 2) *transmitting inputted speech data* (lines 11-12 page 9) *to a speech recognition apparatus* (8 in figure 2) *through a network* (12-14th lines of page 9), *and said speech recognition apparatus executing speech recognition processing for the speech data transmitted from said speech input terminal, said method comprising the step of receiving information* (last 2 lines page 7 – 1st 3 lines page 8) *for speech recognition in the speech recognition apparatus from the speech input terminal, the information being unique to the speech input terminal* (6th line from end page 7) *or representing an operation state and the step of executing, in the speech recognition apparatus, speech recognition processing on the basis of the information* (1st three lines page 9).

25.   Regarding claim 27, <u>Bijl</u> *et al* (figure 5) reads on the features of *a control method*

in a speech communication system comprising a speech input terminal transmitting

inputted speech data to a speech recognition apparatus through a network comprising

the step of creating information for speech recognition in the speech recognition

apparatus (line 9 page 7 with "pooling" of line 2 page 5 necessarily taking place in the

shared recognition apparatus as taught in page 34 lines 6-14) *on the basis of data*

transmitted from the speech input terminal (lines 11-12 page 9), *the information being*

unique to the speech input terminal (6th line from end page 7) *or representing an*

operation state and the step of executing, in the speech recognition apparatus, speech

recognition processing on the basis of the information (1st three lines page 9).

26.   Regarding claim 30, <u>Bijl</u> *et al* (figure 5) reads on the features of *a control method*

in a speech communication system comprising a speech input terminal (2 in figure 1) *for*

transmitting inputted speech data to a speech recognition apparatus through a network,

and said speech recognition apparatus executing speech recognition processing for the

speech data transmitted from said speech input terminal (8 in figure 1) *said method*

comprising the step of creating information for speech recognition in the speech input

terminal (11th line page 7), *the information being unique to the speech input terminal*

(14th line page 7) *or representing an operation state ; the step of transmitting the*

information from the speech input terminal to the speech recognition apparatus

(provided by the last 2 lines page 7) *and the step of executing, in the speech recognition*

apparatus, speech recognition processing on the basis of the information 1st 3 lines

page 9).

27.   Regarding claim 31, <u>Bijl *et al*</u> (figure 5) reads on the features of *a control method*

in a speech communication system comprising a speech input terminal (2 in figure 1) *for*

transmitting inputted speech data to a speech recognition apparatus through a network,

and said speech recognition apparatus executing speech recognition processing for the

speech data transmitted from said speech input terminal (8 in figure 1) *said method*

comprising the step of creating information for speech recognition in the speech input

terminal (11th line page 7), *the information being unique to the speech input terminal*

(14th line page 7) *or representing an operation state,* and (1st three lines page 9) *the*

step of executing, in the speech recognition apparatus, speech recognition processing

on the basis of the information.

28.   Regarding claim 34, <u>Bijl *et al*</u> reads on the features of *a storage medium*

recording a program (as desktop stand-alone systems of line 6 pg 1) *to transmit speech*

data from a speech input terminal (2 in figure 1) *to a speech recognition apparatus* (8 in

figure 1) *through a wire or wireless communication network* (line 10 page 16), *the*

program causing a computer to perform the steps comprising creating information for

speech recognition (line 14 page 7) *the information being unique to the speech input*

terminal or representing an operation state ; and transmitting the information to the

speech recognition apparatus (9th line from end page 9).

29.   Regarding claim 35, <u>Bijl</u> *et al* reads on the features of *a storage medium*

recording a program causing a computer (8 in figure 1, line 10 page 9) *in a speech*

communication system (2-8 in figure 1) *comprising a speech input terminal* (2 in figure

1) *for transmitting inputted speech data to said computer through a network, and said*

computer executing speech recognition processing for the speech data transmitted from

said speech input terminal to perform the steps comprising receiving information for

speech recognition from the speech input terminal (lines 1-3 page 9) *, the information*

being unique to the speech input terminal (line 14 page 7) *or representing an operation*

state ; and (line 3 page 9) *executing speech recognition processing on the basis of the*

information.

30.   Regarding claim 36, <u>Bijl</u> *et al* reads on the features of *a storage medium*

recording a program to cause a computer (8 in figure 1, line 10 page 9) *in a speech*

communication system comprising a speech input terminal (2 in figure 1) *for transmitting*

inputted speech data to said computer through a network, and said computer executing

speech recognition processing for the speech data transmitted from said speech input

terminal to perform the steps comprising creating information for speech recognition on

the basis of the speech data transmitted from the speech input terminal (thereby

enabling the "pooling" that allows applications to share characteristics lines 9-11 page

8), *the information being unique to the speech input terminal* (line 14 page 7) *or*

representing an operation state ; and executing speech recognition processing on the

basis of the information.

Claim Rejections - 35 USC § 103

31.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Bijl et al & McAllister et al

32.   Claims 10-11, 16-17, 19-20, 23-24, 28-29, 32-33 and 37-38 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Bijl et al in view of McAllister et al

(U.S. Patent 5,553,119).

33.   Regarding claim 10 as understood by the Examiner, Bijl et al (figure 1) reads on

the feature *for a speech recognition apparatus in a speech communication system*

comprising (2 in figure 1) *a speech input terminal for transmitting inputted speech data*

to said speech recognition apparatus (8 in figure 1) *through a network* (12-14th lines of

9), *and said speech recognition apparatus for executing speech recognition processing*

for the speech data transmitted from said speech input terminal, said speech

recognition apparatus comprising: for receiving information for speech recognition from the speech input terminal (8th line from end page 5), *the information being unique to the speech input terminal or representing an operation* (6th line from end page 7) *state ; for determining a data conversion condition for communication on the basis of the information* (1st complete paragraph of page 8).

Bijl *et al* does have communication from the converter back to the terminal for correction but does not mention including information relevant to the terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data conversion condition to the speech input terminal* (column 5 line 63 through column 6 line 10) which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of McAllister *et al* to the device/method of Bijl *et al* so as to select an operating mode that is best suited to the speech conditions.

34.   Regarding claim 11 as understood by the Examiner, Bijl *et al* (figure 1) reads on the feature of *a speech recognition apparatus in a speech communication system comprising a speech input terminal for transmitting inputted speech data to said speech recognition apparatus through a network* (2-8 in figure 1) *and said speech recognition apparatus executing speech recognition processing for the speech data transmitted from said speech input terminal and* (6th line from end page 7) *for creating information for speech recognition on the basis of the transmitted speech data, the information being unique to the speech input terminal or representing an operation state and* (1st 3

lines of 9) *for determining a data conversion condition for communication on the basis of the information.*

Bijl *et al* does have communication from the converter back to the terminal for correction but does not mention including information relevant to the terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data conversion condition to the speech input terminal* (column 5 line 63 through column 6 line 10) which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of McAllister *et al* to the device/method of Bijl *et al* so as to select an operating mode that is best suited to the speech conditions.

35.   Regarding claims 16 and 17; the claims are set forth with the same limits as claims 10 and 11, respectively. The features of the claims are the as those of claims 14 and 15 and the claims are rejected for the reasons.

36.   Regarding claims 19 and 20 as understood by the Examiner; the claims are set forth with the same limits as claims 10 and 11, respectively. Bijl *et al* read on the feature of *a plurality of speech input terminals* (2 in figure 1) *and for storing the data conversion condition in correspondence with each of the speech input terminals* (5-6th lines from end page 8).

37.   Regarding claim 23 as understood by the Examiner, Bijl *et al* (2-8 in figure 1)

reads on the features of *a speech communication system comprising a speech input*

terminal (2 in figure 1) *and a speech recognition apparatus* (8 in figure 1), *each of which*

can communicate with the other through a wire or wireless communication network (line

10 page 16) *wherein said speech input terminal comprises speech input* (14th line page

7) *for creating information for speech recognition, the information being unique to said*

speech input terminal (14th line page 7) *or representing an operation state , and*

communication for transmitting the information to said speech recognition apparatus

(lines 11-12 page 9), *and wherein said speech recognition apparatus comprises for*

determining a data conversion condition for communication on the basis of the

information (lines 1-3 page 9).

      Bijl *et al* does have communication from the converter back to the terminal for

correction but does not mention including information relevant to the terminal.

McAllister *et al* reads on the feature of providing a *for transmitting the data conversion*

condition to the speech input terminal (column 5 line 63 through column 6 line 10) which

would have made it obvious to a person of ordinary skill in the art of speech signal

processing at the time of the invention to apply the method/teachings of McAllister *et al*

to the device/method of Bijl *et al* so as to select an operating mode that is best suited to

the speech conditions.

38.   Regarding claim 24 as understood by the Examiner, Bijl *et al* (2-8 in figure 1)

reads on the features of *a speech communication system comprising a speech input*

terminal (2 in figure 1) *and a speech recognition apparatus* (8 in figure 1) *each of which can communicate with the other through a wire or wireless communication network* (line 10 page 16), *said speech recognition apparatus comprising for creating information for speech recognition, the information being unique to said speech input terminal* (14th line page 7) *or represents an operation state on the basis of speech data from said speech input terminal, for determining a data conversion condition for communication on the basis of the information* (1st three lines page 9).

Bijl *et al* does have communication from the converter back to the terminal for correction but does not mention including information relevant to the terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data conversion condition to the speech input terminal* (column 5 line 63 through column 6 line 10) which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of McAllister *et al* to the device/method of Bijl *et al* so as to select an operating mode that is best suited to the speech conditions.

39.   Regarding claim 28, Bijl *et al* (figure 5) reads on the features of *a speech communication method of executing speech recognition processing for speech data transmitted from a speech input terminal* (2 in figure 1) *through a wire or wireless communication network* (line 10 page 16) *comprising the step of receiving information for speech recognition from the speech input terminal, the information being unique to the speech input terminal* (14th line page 7) *or representing an operation state the step*

of determining a data conversion condition for communication on the basis of the information (1st three lines page 9).

Bijl *et al* does have communication from the converter back to the terminal for correction but does not mention including information relevant to the terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data conversion condition to the speech input terminal* (column 5 line 63 through column 6 line 10) which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of McAllister *et al* to the device/method of Bijl *et al* so as to select an operating mode that is best suited to the speech conditions.

40.   Regarding claim 29, Bijl *et al* (figure 5) reads on the features of *a speech communication method of executing speech recognition processing for speech data transmitted from a speech input terminal* (2 in figure 1) *through a wire or wireless communication network* (line 10 page 16) *comprising the step of creating information for speech recognition on the basis of data transmitted from the speech input terminal, the information being unique to the speech input terminal* (14th line page 7) *or representing an operation state , the step of determining a data conversion condition for communication on the basis of the information* (1st three lines page 9).

Bijl *et al* does have communication from the converter back to the terminal for correction but does not mention including information relevant to the terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data conversion*

condition to the speech input terminal (column 5 line 63 through column 6 line 10) which

would have made it obvious to a person of ordinary skill in the art of speech signal

processing at the time of the invention to apply the method/teachings of McAllister *et al*

to the device/method of Bijl *et al* so as to select an operating mode that is best suited to

the speech conditions.

41.   Regarding claim 32, Bijl *et al* (2-8 in figure 1) reads on the features of *a speech*

communication method between a speech input terminal and a speech recognition

apparatus, each of which can communicate with the other through a wire or wireless

communication network (line 10 page 16) *comprising the step of creating information for*

speech recognition in the speech input terminal (line 9 page 7), *the information being*

unique to the speech input terminal (line 14 page 7) *or representing an operation state ;*

the step of transmitting the information from the speech input terminal to the speech

recognition apparatus (lines 11-12 page 9) *the step of determining, in the speech*

recognition apparatus, (line 9 page 7 with "pooling" of line 2 page 5 necessarily taking

place in the shared recognition apparatus as taught in page 34 lines 6-14) *a data*

conversion condition for communication on the basis of the information (as in the 1st full

paragraph of page 8). ‘

Bijl *et al* does have communication from the converter back to the terminal for

correction but does not mention including information relevant to the terminal.

McAllister *et al* reads on the feature of providing a *for transmitting the data conversion*

condition to the speech input terminal (column 5 line 63 through column 6 line 10) which

would have made it obvious to a person of ordinary skill in the art of speech signal

processing at the time of the invention to apply the method/teachings of McAllister *et al*

to the device/method of Bijl *et al* so as to select an operating mode that is best suited to

the speech conditions.

42.   Regarding claim 33, Bijl *et al* (2-8 in figure 1) reads on the features of *a speech*

communication method between a speech input terminal and a speech recognition

apparatus, each of which can communicate with the other through a wire or wireless

communication network (line 10 page 16) *comprising the step of creating information for*

speech recognition in the speech recognition apparatus (line 9 page 7 with "pooling" of

line 2 page 5 necessarily taking place in the shared recognition apparatus as taught in

page 34 lines 6-14) *the information being unique to the speech input terminal* (line 14

page 7) *or representing an operation state ; the step of transmitting the information from*

the speech input terminal to the speech recognition apparatus (lines 11-12 page 9) *the*

step of determining, in the speech recognition apparatus, a data conversion condition

for communication on the basis of the information (all provided for in the 1st full

paragraph of page 8).

        Bijl *et al* does have communication from the converter back to the terminal for

correction but does not mention including information relevant to the terminal.

McAllister *et al* reads on the feature of providing a *for transmitting the data conversion*

condition to the speech input terminal (column 5 line 63 through column 6 line 10) which

would have made it obvious to a person of ordinary skill in the art of speech signal

processing at the time of the invention to apply the method/teachings of McAllister _et al_

to the device/method of Bijl _et al_ so as to select an operating mode that is best suited to

the speech conditions.

43.   Regarding claim 37, the features of _a storage medium recording a program to_

execute speech recognition processing on the basis of speech data sent from a speech

input terminal through a wire or wireless communication network, the program causing a

computer to perform the steps comprising receiving information for speech recognition

from the speech input terminal and _determining a data conversion condition for_

communication on the basis of the information are the as those found in claim 35 and

the reasons for rejection are applied to this claim.

With regard for the feature of _transmitting the data conversion condition to the_

speech input terminal, Bijl _et al_ does have communication from the converter back to

the terminal for correction but does not mention including information relevant to the

terminal. McAllister _et al_ reads on the feature of providing a _for transmitting the data_

conversion condition to the speech input terminal (column 5 line 63 through column 6

line 10) which would have made it obvious to a person of ordinary skill in the art of

speech signal processing at the time of the invention to apply the method/teachings of

McAllister _et al_ to the device/method of Bijl _et al_ so as to select an operating mode that

is best suited to the speech conditions.

44.   Regarding claim 38, the features of *a storage medium recording a program to*

execute speech recognition processing on the basis of speech data sent from a speech

input terminal through a wire or wireless communication network, the program causing a

computer to perform the steps comprising creating information for speech recognition

on the basis of the speech data transmitted from the speech input terminal and

determining a data conversion condition for communication on the basis of the

information are the as those found in claim 35 and the reasons for rejection are applied

to this claim.

With regard for the feature of *transmitting the data conversion condition to the*

speech input terminal, Bijl *et al* does have communication from the converter back to

the terminal for correction but does not mention including information relevant to the

terminal. McAllister *et al* reads on the feature of providing a *for transmitting the data*

conversion condition to the speech input terminal (column 5 line 63 through column 6

line 10) which would have made it obvious to a person of ordinary skill in the art of

speech signal processing at the time of the invention to apply the method/teachings of

McAllister *et al* to the device/method of Bijl *et al* so as to select an operating mode that

is best suited to the speech conditions.

Bijl *et al,* McAllister *et al* & Kato *et al*

45.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as unpatentable over Bijl

et al in view of McAllister *et al* and further in view of Kato *et al* (U.S. Patent 6,263,202).

46.   Regarding claims 12 and 13 as understood by the Examiner; the claims are set

forth with the same limits as claims 10 and 11, respectively. Bijl *et al* discloses an

historic table but not for *quantization.*   Kato *et al* reads on the feature of *a data*

conversion condition based on a quantization table created on the basis of information

(column 7 lines 1-2). It would have been obvious to a person of ordinary skill in the art

of speech signal processing at the time of the invention to apply the method/teachings

of Kato *et al* to the device/method of Bijl *et al* so as to convert to a designated intonation

or modulation.

Conclusion

47.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

-   Neff (GB 2 082 820 A) speech-to-written-word converter has automatic speech

    recognition device and word processing system with control devices for allowing

    dictator to spell out each word.

48.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose

normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, supervisor

Richemond Dorvil can be reached at (703)305-9645.

The fax phone number for Technology Center 2600 is (703)872-9314. Label

informal and draft communications as "DRAFT" or "PROPOSED", & designate formal

communications as "EXPEDITED PROCEDURE". Formal response to this action may

be faxed according to the above instructions,

or mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or hand-delivered to: Crystal Park 2,
2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to Technology Center 2600 Customer Service Office at

telephone number (703) 306-0377.

Daniel A. Nolan
Examiner
Art Unit 2654

DAN/d
August 25, 2003

Richemond Dorvil
Primary Examiner